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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,984	07/28/2003	Kenji Mori	26A-008	4115

23400 7590 11/15/2005

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER
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ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,984

Applicant(s)

MORI ET AL.

Examiner

Laura B. Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 13-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-9 and 13-33 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 26 August 2005. The examiner disagrees with applicant's statement that claims 26 and 27 read on the elected species. Claim 26 does not read on the elected species because of the side rigid portions. Claim 27 does not read on the elected species because of the unfolding direction controlling mechanism.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Saslekov (6,113,132). Saslekov et al. disclose a device (including #6, 6') for protecting an occupant seated in a rearmost seat (including #4) of a vehicle (including #1), the device comprising:

- Impact determining device (for example, acceleration sensor, not shown) able to determine that an impact has been applied to the vehicle or that there is a possibility that an impact will be applied to the vehicle (column 3, lines 49-58)

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- Movement restricting mechanism (including #6, 6'), which is able to restrict the "rearward" movement of the occupant seated in the rearmost seat based on the determination result of the impact determining device (column 3, lines 49-58)
4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (JP07-186870). Yamaguchi discloses a device (including #1) for protecting an occupant seated in a rearmost seat (including #11) of a vehicle (best seen in figure 1), the device comprising:
- Impact determining device (including #8) able to determine that an impact has been applied to the vehicle or that there is a possibility that an impact will be applied to the vehicle (paragraph 0014)
  - Movement restricting mechanism (including air bag #3), which is able to restrict the rearward movement of the occupant seated in the rearmost seat based on the determination result of the impact determining device (paragraph 0016; best seen in figure 1)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. (6,168,190) in view of Dominissini (6,688,641). Bowers et al. disclose a device (including #40, 100, 200) for protecting an occupant seated in a rearmost seat (including #24, 116, 216) of a vehicle (including #10, 104, 204), the device comprising:

- Movement restricting mechanism (including #34, 110, 200), which is able to restrict the rearward movement of the occupant seated in the rearmost seat, movement restricting mechanism including:
  - Air bag (including #34, 110, 200) deployed between the rearmost seat and a rear window glass (including #20, 112, 202) of the vehicle (best seen in figures 3, 4, 6)
  - Tension applying mechanism (for example, including #206) that applies tension to the air bag, the tension being required for restricting the rearward movement of the occupant seated in the rearmost seat (best seen in figure 6)
- Non-inflated air bag is accommodated in an upper rear end portion of the vehicle in a folded state (for example, as seen in figures 4-6)
- Air bag has tension applying portions (including #206) on left and right end portions of the air bag (best seen in figures 5, 6)
- The tension applying portions are coupled to portions of the vehicle in the vicinity of both sides of the rear window glass (best seen in figures 5, 6)
- When the air bag is deployed, the tension applying portions apply a predetermined tension to the air bag (best seen in figure 6)

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Bowers et al. disclose the inflator being actuated in a known manner, but they do not specifically disclose an impact determining device.

Dominissini teaches a device (including #10) for protecting an occupant seated in a rearmost seat (including #16) of a vehicle (including #12), the device comprising:

- Impact determining device (including #20) able to determine that an impact has been applied to the vehicle or that there is a possibility that an impact will be applied to the vehicle (column 4, line 64-column 5, line 1)
- Movement restricting mechanism (including #18), which is able to restrict the movement of the occupant seated in the rearmost seat based on the determination result of the impact determining device (column 4, line 64-column 5, line 1)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the device for protecting a seated occupant of Bowers et al. such that it comprised an impact determining device as claimed in view of the teachings of Dominissini so as to sense an impending or presently occurring impact to determine when the occupant protection system should be deployed. Further, it is old and well known in the art to use impact determining devices, typically sensors, in this manner.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bertrand, Wilfert, and Kretzschmar each disclose a device for protecting an occupant seated in a rearmost seat of a vehicle, the device comprising an air bag deployed between the rearmost seat and a rear window glass of the vehicle.

Kobori discloses a device for protecting an occupant seated in a rearmost seat of a vehicle, the device located between the rearmost seat and a rear window glass of the vehicle.

Schiesterl et al., Locke, O'Loughlin, Sutherland et al., Bossecker et al., Sack, and Zander each disclose a device for protecting an occupant seated in a vehicle, the device comprising an air bag deployed behind the occupant's head/seat.

Fischer, Tanase et al., and Green et al. each disclose an airbag with tensioning straps on either side.

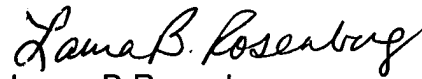
8. Though not prior art based on its filing date, Mori et al. disclose a device for protecting an occupant seated in a rearmost seat of a vehicle, the device comprising an air bag deployed between the rearmost seat and a rear window glass of the vehicle..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

  
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